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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,787	01/17/2001	Julie A. Schwartz	0002.US00	7187
23464	7590	03/24/2006	EXAMINER	
BUCHANAN INGERSOLL, P.C. ONE OXFORD CENTRE, 301 GRANT STREET 20TH FLOOR PITTSBURGH, PA 15219			NGUYEN, TAN D	
ART UNIT	PAPER NUMBER			3629
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/764,787	SCHWARTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tan Dean D. Nguyen	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 December 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 58-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 58-107 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/21/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION*****Response to Amendment***

1. The amendment filed 12/16/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

1) Independent method claim 58,

a) line 14 “receiving .... from a donor”,

b) line 16, “updating, according to instructions from the donor, one or more virtual plaques displayed on one or more web pages to recognize new donors”.

Similarly, dependent claim 104 (same (b) part above), independent system claim 82, and independent product claim 102, which have similar limitations as in independent method claim 58 above.

The examiner has scanned the application for these above language but cannot find them. Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Status***

Claims 58-81 (method), 106, 82-101, 107 (system), 102 (product), 103-105 (method) (total of 49 claims) are active and are rejected as followed. Claims 1-57 are canceled.

***Double Patenting***

2. Claims 58-107 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-114 of copending Application No. 09/740,761. Although the conflicting claims are not identical, they are not patentably distinct from each other because current claim 58 reads over claim 1 of 09/740,761.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

***Claim Objections***

4. Claims 59, 73, 74, 83, 95-96 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

(1) In dep. claim 59, it's not clear how this step "contacting third parties via email messages" in dep. claim 59 further limits "email messages to third parties, forming teams on website" of independent method claim 58. Claim 83, which has the same limitation as in claim 59 is objected for the same reason set forth in dep. claim 59 above.

(2) It's not clear how "a person conducts the fundraising campaign" further limits "a fundraising campaign conducted by an organization"? Can a person further limits an organization?

(3) It's not clear how the limitation of "providing a personalized donation page for a solicitor" in dep. claim 73 further limits "the personal donation page having the name and personal campaign goal of a solicitor registered on the website"?

(4) It's not clear how the limitation of dep. claim 74 further limits "a link to a personal donation page in one or more email messages"?

(5) Claims 95-96, which have the same limitation as in claims 73-74 are objected for the same reason set forth in dep. claims 73-74 above.

#### ***Claim Rejections - 35 USC § 112***

5. **Claims 58, 76, 103-105 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

(1) In claim 58, it's not clear the relationship between linked "web pages" and "personal donation page"? Is the personal donation page on the web and part of the

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"web pages". Replacing the term "personal donation page" to "personal donation web page" is recommended to improve clarity.

(2) In claim 58 above, it's not clear how the step of "updating virtual plaques displayed on one or more web pages" is carried out according to instruction from a "donor" who is related to the "personal donation page" only? There is "potential donors" who are related to the web pages on the 1<sup>st</sup> step.

(3) In claim 58, line 18 (last line), recites the limitation "the virtual plaques". There is insufficient antecedent basis for this limitation in the claim. On line 14, there is just one plaque "a virtual plaque".

(4) Dependent claim 76 recites the limitation "the report" in line 1. There is insufficient antecedent basis for this limitation in the claim.

(5) In claim 103, it's not clear whether the last step is carried out using the "web pages" of 1<sup>st</sup> step or "donation page" of the 2<sup>nd</sup> step?

(6) Dependent claim 105 (part of 103) recites the limitation "the virtual plaques" in line 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. This application currently names joint inventors (5). In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
9. **Claim 103 (method<sup>1</sup>) is rejected under 35 U.S.C. 103(a) as being unpatentable over (1) COSTIN IV, et al (US 2002/0049816).**

**As for independent method<sup>1</sup> claim 103,** COSTIN, IV et al discloses a method for conducting a fundraising campaign by an organization over a wide-area network comprising the steps of:

- a) hosting a website (Fig. 1 (26) including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign {see Fig. 2, [0006],

[0066 "software and architecture associated ... may be internal to the sponsor or cause]};

b) providing a link to a campaign web page of a 2<sup>nd</sup> entity (business or e-business) which has the ability to send one or more email messages to 3<sup>rd</sup> parties (customers, employees, etc.), the campaign web page having the name and personal campaign of the solicitor {[0006, 0007], Fig. 3}; and

c) receiving a charitable contribution from a donor {see Figs 3-6}. COSTIN, IV et al fairly teaches the claimed invention except for the 2<sup>nd</sup> entity web page is of business or e-business and not a personal donation page. Note that on [0007], COSTIN, IV et al discloses the concept of e-mail networking component to be viral as fundraiser can send out an indefinite amount of requests supporting the cause they care about, therefore, it would have been obvious for the e-business to send out email messages to employees to ask them to visit the e-business website where they are presented with a link to a campaign web page {see [0009]}. As for the limitation of registering by a solicitor on a website, this is inherently included and/or fairly taught in Fig. 2, [0070, 0080]}.

Note that on [0010], COSTIN, IV et al discloses the setting up of a campaign web page of a 3<sup>rd</sup> entity (customers/employees/donors) whereby they can become individual fundraiser with a personalized campaign page and able to send email messages which includes link to a campaign page of the organization or the 2<sup>nd</sup> entity (e-business/sponsor) or fundraiser service provider. It would have been obvious to modify the teachings of COSTIN, IV et al by creating a similar campaign web page for the 3<sup>rd</sup>

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entity (individual fundraiser) having the name and personal campaign goal similar to 2<sup>nd</sup> entity (step b above) as mere duplicate of similar campaign web page for other similar entity (fundraisers) or creating other similar campaign web page for other similar entity to obtain similar results, absent evidence of unexpected results. Clearly, having a campaign web page with showing well known campaign parameters, such as name of the project, goal, deadline, responsible parties etc. for every fundraiser is more effective/better marketing tools but the cost to create and maintain effectively the websites of many entities involved will be extremely high. So this is a balance between cost and profit (donation or contribution collected) but the concept of creating a personalized campaign page for a fundraiser is taught in COSTIN, IV et al and would have been obvious to implement for any entity, e-business or individual, if the cost is justified. Note, that no evidence has been submitted to show why it's not obvious to create a personal campaign web page for individual fundraiser in view of web page for e-business/sponsor.

Note that COSTIN, IV et al also teaches the steps of:

d) displaying one web page about the donor (donor highlights) and

e) displaying fundraising campaign statistics/results (or tracking performance)

such as bringing up to-date (or updating) campaign statistics, i.e. "*to-date donation amount*", "goals (number of donors, dollar amount (\$)) by stages, etc.",

{see Fig. 6, or 12 "**Donation-to-date:**" or "**To Date:**", or

Fig. 13, last paragraph "**login and track the progress** of your campaign! See **who has donated** and how the progress your campaign has contributed to the overall **Coolsavings/Y-ME online fundraising campaign**." or

Fig. 20, right column, [0082]}. Therefore, the updating of any other fundraising campaign statistics/results such as the goals cited above [0081], number of donors, who are the donors, dollar amount (\$) by stages, donor's amounts, etc., are inherently included (see Fig. 13) or would have been obvious as mere updating other similar features. {see also Fig. 1a, 0006, 0007, 0009, 0010, 0019, 0065, 0067, 0070, 0071, 0072, 0075, 0082, 0083).

**10. Claim 104 is rejected under 35 U.S.C. 103(a) as being unpatentable over (1) COSTIN, IV et al as applied to claim 103 above, and further in view of (2) SMITH et al (Article "The Impact ... Charitable marketing effectiveness, Summer1996").**

The teaching of COSTIN, IV et al is cited above.

In a similar method of direct **marketing appeals** on **charitable (fundraising) marketing effectiveness**, (2) SMITH et al cite several relevant charitable **appeals** or **factors or strategies**, i.e., an **increase in size** (amount) of donation for this year relative to last year by:

- 1) **exposure (or display)** to a list of other donors increases the response rate but not the average gift, however, when
- 2) **size** of others' donations was included in the list, the average donation increases {see page 5, 5<sup>th</sup> paragraph} for example (by the examiner's interpretation):

LIST

<u>Donors</u>	<u>Amount Donation (\$)</u>
1. Jane Doe	200.00
2. Participant 2.	100.00
3. Participant 3.	125.00

(etc., see page 5, 5<sup>th</sup> paragraph}.

It would have been obvious to modify the fundraising campaign of COSTIN IV, et al by including the above **strategies** (1) and (2) for the benefit of increasing the size of donation for this year relative to last year in the campaign by: (g) listing of donors, top-three or five list, size of donations in the list, etc. as taught by SMITH et al for the benefits (2) of increasing (1) the response rate and (2) average donation or increasing the size of donation this year as compared to last year. As for the term plaque (or showing of a list on the website), this read over the showing of the list of the donors and size of donations as taught by SMITH et al when appear on the website of COSTIN IV et al. As for the term virtual (or cyber or on Internet or web), this is taught in COSTIN IV et al and inherently included when combining COSTIN IV et al and SMITH et al. As for the limitation of "honoring the donor", this is inherently included when showing the list above and inherently included in the teachings of COSTIN IV et al /SMITH et al. Note that SMITH et al fairly discloses the concept of displaying the list of donors, their positions on the list. Note that rearranging of the list items to show individual ranks, i.e, (1<sup>st</sup> for highest amount of donation, last for lowest amount of donation), would have been obvious to a person of skill in the art as mere equivalent/similar arrangement for

clarity or identification purpose. Note that the concept of presenting donation figures in order from low to high for clarity and easy identification is also taught in (3) above.

As for the difference between the communication means for carrying the campaign, digital (website) vs. direct mail in COSTIN IV et al and SMITH et al, this is not critical since we deal with campaign strategies and would have been obvious to implement these strategies in the wide-area network campaign of COSTIN IV et al or regardless of the types of communication means. As for the updating function of the list or virtual plaque, this is well known campaign parameter as taught by COSTIN IV et al on Fig. 6 or 12 “*To Date:*” or Fig. 13 above and would have been obvious to implement this known parameter for the listing of the donors in view of the teaching of SMITH et al if desired.

**11. Claim 105 is rejected under 35 U.S.C. 103(a) as being unpatentable over (1) COSTIN, IV et al as applied to claim 103 above, and further in view of (3) Article “BT: Sheryl Gascoigne ...Swimathon '99 (hereafter as “BT Article”) or (4) Article “Leukaemia Busters Fundraising week, June-July 1999 (hereafter as “LEUKAEMIA Article”) or (2) SMITH et al (Article “The Impact ... Charitable marketing effectiveness, Summer1996”).**

The teaching of (1) COSTIN, IV et al and (2) SMITH et al are cited above.

In another similar charity fundraising campaign, (3) BT Article is cited to teach the types of participation in a fundraising campaign such as an individual, as a family group, as a group of friends or as **teams competing** against each other to raise money for the campaign and winning the coveted BT Trophies (**prize**), which is top fundraisers

**winning** a holiday of a lifetime to the La Manga Club Resort in Spain, awarded for (1) speed of performance or (2) fundraising success (raising the most money) {see page 1 and 2, notes (1) or (2)}.

In another similar charity fundraising campaign, (4) LEUKAEMIA Article is cited to teach the types of participation in a fundraising campaign such as an individual, as a family group, as a group of friends or as **teams competing** against each other to raise money for the campaign {see page 5, left column}. It would have been obvious to modify the teachings of COSTIN IV et al (or COSTIN, IV et al /SMITH et al for "virtual plaques" limitation) by changing the type of participation to forming teams to participate in the campaign and compete with each other to raise money as taught by BT Article or LEUKAEMIA Article as mere using other similar participation types or alternatives or options. Furthermore, it's well known that team competition normally improve the morality and people involvement as compared to individual type but at the expense of inconvenience to get all the people together. As for the teaching of step (j), the displaying of the participant/donor (team) positions (ranks) on the plaque (list), this is fairly by SMITH et al as shown above. As for the term "ranks" which is equivalent to the term "position" relative to each other, this has been discussed in the previous paragraph below the "LIST". Furthermore, since BT Article teaches the awarding of the "**top fundraiser**" with winning prize, it would have been obvious to modify the teachings of COSTIN IV et al /SMITH et al /BT Article by arranging the list of donor in ranking position, top fundraiser to bottom fundraiser, to effectively monitor or track the campaign performance effectiveness. Alternatively, Official notice is taken that the step of

displaying (showing) participant (individual or team) position/rank periodically in a competition event (campaign/season) to track progress (performance) of the participant is old and well known (see NFL (team position/rank after each game), LPGA, Tour De France (individual positions, and team positions/ranks after each stage). Therefore, it would have been obvious to implement the displaying of the participant (team) ranks in COSTIN IV et al /SMITH et al /BT Article or LEUKAEMIA Article in order to track the progress of the participant.

12. **Claims 58-81 (method<sup>2</sup>), 82-101 (apparatus<sup>2</sup>), 102 (program<sup>2</sup>) are rejected under 35 U.S.C. 103(a) as being unpatentable over (1) COSTIN IV, et al (US 2002/0049816) in view of (2) SMITH et al (Article “The Impact ... Charitable marketing effectiveness, Summer1996”) and (3) Article “BT: Sheryl Gascoigne ...Swimathon ’99 (hereafter as “BT Article”) or (4) Article “Leukaemia Busters Fundraising week, June-July 1999 (hereafter as “LEUKAEMIA Article”).**

**As for independent method<sup>2</sup> claim 58, which has the same limitations of the combinations of claims 103-105, they are rejected for the same reasons set forth the rejections of claim 105, 104 and 103 above (to minimize copy of the lengthy rejections above).**

As for dep. claims 59-60 (part of 58), which deals with well known fundraising campaign parameter, i.e. contacting 3<sup>rd</sup> party to provide more information about participants such as a team participating in a competition associated with the campaign, this is non-essential to the scope of the claimed invention and would have been obvious

in view of the teachings of COSTIN IV et al /SMITH et al and BT Article or LEUKAEMIA Article above, especially in COSTIN IV et al [0010, 0019].

As for dep. claim 61 (part of 58), which deals with well known fundraising campaign parameter, i.e. tracking the progress of the campaign by providing real time status of fundraising campaign, this is taught or inherently included in COSTIN IV et al on Fig. 6, “**Donation-to-date**”, “**To Date**”, Fig. 12, or [0063 “**tracking donor’s**”, “**instantaneous, easier to track**”, “funds typically are received **immediately**”, [0072], [0081 “**tracking information related to fundraising campaign**”] or [0082 “**dollar amount by stages**”] }. Alternatively, it would have been obvious to provide a real time status (today, to-date) of the campaign in the report to effectively track the progress of the campaign as taught by COSTIN IV et al above.

As for dep. claims 62-67 (part of 58), which deals with well known fundraising campaign parameter, i.e. joining, forming a team or recruiting new members, these are none-essential to the scope of the claimed invention and are fairly taught in BT Article or LEUKAEMIA Article as cited above.

As for dep. claims 68-72 (part of 58), which deals with well known fundraising campaign parameter, i.e. the campaign including other special athletic event, entertainment event, or other community events, these are none-essential to the scope of the claimed invention and are fairly taught in COSTIN IV et al Figs. 7-9, [0066, 0086] or BT Article or LEUKAEMIA Article as cited above.

As for dep. claims 73-75 (part of 58), which deals with well known fundraising campaign parameter, i.e. providing a personal web page with link and email for a solicitor, these are fairly taught in COSTIN IV et al [0010, 0012, 0013].

As for dep. claim 76 (part of 58), which deals with well known fundraising campaign parameter, i.e. wherein the report includes donor's benefits such as tax related information, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al Fig. 5, [0073, 0080].

As for dep. claim 77 (part of 58), which deals with the type of wide area network, the Internet, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al Fig. 1a, Fig. 2, [0007].

As for dep. claims 78-80 (part of 58), which deals with well known fundraising campaign parameter, i.e. the type of the organization, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al [0003, 0012].

As for dep. claims 78-80 (part of 58), which deals with well known fundraising campaign parameter, i.e. the type of the organization, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al [0003, 0012].

As for dep. claim 81 (part of 58), which deals with well known fundraising campaign parameter, i.e. a person conducts the campaign, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al [0084 "individual or student"].

As for dep. claim 106 (part of 58), which deals with well known fundraising campaign parameter, i.e. providing one or more reports on the website about the campaign status, etc., this is taught in COSTIN, IV et al Fig. 3, 20.

Alternatively, the various adjustments of the fundraising parameters as shown in the dependent claims 59-81, and 106 are considered as optimizing fundraising operating conditions or result effective variables /parameters and the optimizing of result effective variables is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan, absent evidence of unexpected results. In re Aller, 105 USPQ 233. Moreover, they are fairly taught in COSTIN IV et al [0082, 0084, 0086, especially 0087 "*other embodiments and uses will be apparent to the skilled artisan*"].

**As for independent system claim 82**, which is the system to carry out the independent method claim 58 above, it's rejected over the system (means for) to carry out the method claim 58 (step of) as rejected by (1) COSTIN IV, et al in view of (2) SMITH et al and (3) BT Article or (4) LEUKAEMIA Article as indicated above. See also COSTIN, IV et al [0066], for putting the software and architecture internal to the sponsor or cause for seamlessly connecting.

As for dep. claims 83, 86-89, 84-85, 90-101, (part of 82), which have the same limitations as in dep. claims 59, 62-64, 67, 60-61, 68-81 (part of 58) above, they are rejected for the same reasons set forth in dep. claims 59, 62-64, 67, 60-61, 68-81 above.

As for independent program product claim 102, which is the program file to carry out the independent method claim 58 above, it's rejected over the program file to carry out the method claim 58 (step of) as rejected by (1) COSTIN IV, et al in view of (2) SMITH et al and (3) BT Article or (4) LEUKAEMIA Article as indicated above.

***Affidavit / Declaration***

13. The Affidavit filed on 12/167/05 is sufficient to overcome the 103 rejections of claims 58-81, 82-101, 102 using King's reference in the previous office action.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

No claims are allowed.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

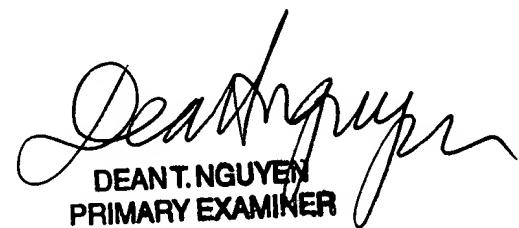
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
March 17, 2006



DEANT. NGUYEN  
PRIMARY EXAMINER